

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

IN THE MATTER OF:)	COMPLAINT NO. 2001-336
)	
RANCHO CALIFORNIA)	FOR
WATER DISTRICT, SANTA)	
ROSA WATER RECLAMATION)	ADMINISTRATIVE CIVIL LIABILITY
FACILITY)	
NONCOMPLIANCE WITH)	DECEMBER 19, 2001
<u>ORDER NO. 96-54</u>)	

RANCHO CALIFORNIA WATER DISTRICT, SANTA ROSA WRF IS HEREBY GIVEN NOTICE THAT:

1. Rancho California Water District, Santa Rosa WRF is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (SDRWQCB) may impose civil liability pursuant to the Porter-Cologne Water Quality Control Act, California Water Code (CWC), section 13385 et seq.
2. A public hearing on this matter is scheduled before the SDRWQCB meeting on February 13, 2002, at the San Diego Regional Quality Control Board Office, 9174 Sky Park Court, San Diego. The meeting will begin at 9:00 am. At the hearing, Rancho California Water District, Santa Rosa WRF will have the opportunity to be heard and to contest the allegations in this Complaint and the imposition of civil liability by the SDRWQCB. Additional notice of this public hearing and the hearing procedures will be provided to Rancho California Water District, Santa Rosa WRF Inc. prior to the hearing date with the agenda for the SDRWQCB meeting on that date.
2. At the hearing, the SDRWQCB will determine the validity of the allegations contained herein and, if the allegations are found to be true, will consider whether to assess civil liability in the amount proposed by this Complaint, or in some other amount.

ALLEGATIONS

3. During the period from January 2000 through May 2001, Rancho California Water District, Santa Rosa WRF violated Order No. 96-54, Waste Discharge Requirements for the Rancho California Water District Santa Rosa Water Reclamation Facility, Riverside County. Effluent limit exceedances of BOD, percent sodium, iron, iron mass emission rate (MER), phosphorus, phosphorus mass emission rate, aluminum, total organic carbon, total organic carbon mass emission rate, total dissolved solids, total dissolved solids mass emission rate, nitrogen, unionized ammonia and unionized ammonia mass emission rate were noted in the Discharger Self-Monitoring Reports.

BACKGROUND

4. The following facts are the basis for the alleged violations in this matter:

Rancho California Water District, Santa Rosa WRF Inc. is approved to discharge effluent water from its treatment project to a storm drain under the provisions of Order No. 96-54. Table 1 (attached) summarizes the discharge limitations set forth in Order No. 96-54 and the violations by Rancho California Water District, Santa Rosa WRF during the period in question.

5. Under California Water Code Section 13385(c), the maximum administrative civil liability which could be imposed by the Regional Board for the violations described in the Findings of this complaint is ten thousand dollars (\$10,000) for each day in which a violation occurs. For this complaint which includes thirty one violations, the maximum administrative civil liability (ACL) which could be imposed by the Regional board is three hundred and ten thousand dollars (\$310,000).

$$\text{MAXIMUM ACL} = 31 \text{ VIOLATIONS} \times \$10,000 = \$310,000$$

6. These exceedances are also violations of California Water Code Section 13385(i) and are therefore subject to mandatory minimum penalties. Under California Water Code Section 13385(h) and (i), the amount of the mandatory minimum penalty that must be assessed is \$75,000, determined by the following statutes:
- a. Water Code Section 13385(h)(1) requires the Regional Board to assess a mandatory penalty of three thousand dollars (\$3,000) for the first serious violation in any six-month period, or, in lieu of the penalty, require the discharger to spend an equal amount for a supplemental environmental project, or to develop a pollution prevention plan.
 - b. Water Code Section 13385(i)(1) requires the Regional Board to assess a mandatory penalty of three thousand dollars (\$3,000) for each violation, not counting the first violation, if the discharger commits two or more serious violations in any six-month period.
 - c. Water Code Section 13385(i)(2) requires the Regional Board to assess a mandatory penalty of three thousand dollars (\$3,000) for each violation, not counting the first three violations, if the discharger does any of the following four or more times in any six-month period:
 - Exceeds a waste discharge requirement effluent limitation.
 - Fails to file a report pursuant to Water Code Section 13260.
 - Files an incomplete report pursuant to Water Code Section 13260.

- Exceeds a toxicity discharge limitation where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.

Because the first three violations in the two six-month periods are classified as chronic, they do not incur penalties, however the remaining 25 violations are assessed \$3,000 per violation, giving a total mandatory minimum penalty of \$75,000. Table 1 provides a visual explanation of these penalties, including references to the applicable section of the California Water Code for each violation.

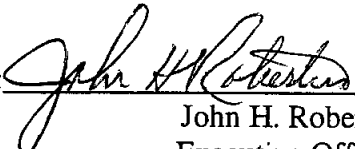
PROPOSED CIVIL LIABILITY

7. Based on consideration of the factors listed in Section 13385 of the California Water Code, civil liability should be imposed on Rancho California Water District, Santa Rosa WRF by the SDRWQCB in the amount of \$75,000, the amount of the mandatory minimum penalty, for the above violations.

WAIVER OF HEARING

8. Rancho California Water District may waive its right to a hearing. Waiver of the hearing constitutes admission of the validity of the allegation of violations in this Complaint and acceptance of the assessment of civil liability in the amount of \$75,000 as set forth in Paragraph 7 above. If Rancho California Water District wishes to waive the hearing, an authorized agent must check, sign, and return the waiver form attached to this Complaint, together with a cashier's check for the amount of the civil liability proposed in Paragraph 7. The cashier's check must be made payable to the State Water Resources Control Board and mailed to the California Regional Water Quality Control Board, San Diego Region, 9174 Sky Park Court, Suite 100, San Diego, Ca, 92123. If a hearing is held, comments from Rancho California Water District and interested parties may be considered by the SDRWQCB in determining the amount of civil liability to assess. Following the hearing, the SDRWQCB may impose an amount of civil liability other than that proposed in this Complaint or revoke the Complaint and refer the matter to the Attorney General for judicial assessment of civil liability (with higher maximum liabilities for each violation). Please direct questions about this matter to Tanya Bilezikjian at (858) 467-4285.

Dated this 19th day of December 2001

By: 
John H. Robertus
Executive Officer

WAIVER OF THE RIGHT TO A HEARING

[] By checking the box and attaching a cashier's check for the full amount of the civil liability proposed in Complaint No. 2001-336, Rancho California Water District waives the right to a hearing before the Regional Board with regard to the violations alleged in Complaint No. 2001-336. Waiver of the hearing constitutes admission of the validity of the allegation of violations in this complaint and acceptance of assessment of civil liability in the amount of \$75,000 as set forth in Complaint No. 2001-336.

Regulations of the United States Environmental Protection Agency require public participation in any proposed settlement of the civil liability imposed as a result of violation of requirements implementing the federal Clean Water Act. Accordingly, interested persons will be given 30 days to comment on the amount of civil liability proposed in this complaint. Based upon comments received, the Regional Board may refuse to accept payment tendered in the amount of civil liability proposed in Complaint No. 2001-336, and may hold a public hearing on the complaint. If a hearing is held, testimony and comments from Rancho California Water District and interested parties may be considered by the Regional Board in determining the amount of civil liability to assess. Following the hearing, the Regional Board may impose civil liability in the amount recommended in Complaint No. 2001-336 or in some other amount, or the Regional Board may choose to revoke the complaint and refer the matter to the Attorney General for judicial assessment of civil liability (with higher maximum liabilities for each violation). In the event the Regional Board accepts this waiver and no hearing is held, Rancho California Water District understands that it is giving up the right to be heard. If no comments are received during the 30-day public comment period, payment of civil liability in the amount of \$75,000 will be due within 30 days after the end of the comment period.

The cashier's check must be made payable to the **State Water Resources Control Board**, and mailed to the California Regional Water Quality Control Board, San Diego Region, 9174 Sky Park Court, Suite 100, San Diego, California 92123. Rancho California Water District understands that they are giving up the right to argue against the allegations made by the Executive Officer in this complaint, and against imposition of, and the amount of, the civil liability imposed.

Signature

Printed Name

Title/Position

Date

Table 1.

Violation Summary for Rancho California Water District, January 2000 through May 2001.

Date of Violation	Violation	Permitted Limit	Reported Value	Pollutant Category	Ratio, Reported: Permitted	Serious?	Water Code Section 13385	Penalty
1/13/00	BOD daily max	20 mg/L	25 mg/L	1	1.25	Chronic	(i)(1)	\$0
1/18/00	% sodium at any time	60%	61%	1	1.02	Chronic	(i)(1)	\$0
1/25/00	% sodium at any time	60%	61%	1	1.02	Chronic	(i)(1)	\$0
2/1/00	% sodium at any time	60%	61%	1	1.02	Chronic	(i)(1)	\$3,000
2/8/00	% sodium at any time	60%	61%	1	1.02	Chronic	(i)(1)	\$3,000
2/22/00	% sodium at any time	60%	64%	1	1.07	Chronic	(i)(1)	\$3,000
9/30/00	iron daily max conc	0.4 mg/L	0.53 mg/L	1	1.33	Chronic	(i)(1)	\$0
9/30/00	iron daily max MER	6.67 lb/d	8.31 lb/d	1	1.25	Chronic	(i)(1)	\$0
9/30/00	30 day avg phosphorus conc	1.0 mg/L	1.1 mg/L	1	1.10	Chronic	(i)(1)	\$0
9/30/00	30 day avg iron conc	0.3 mg/L	0.53 mg/L	1	1.77	Serious	(h)(1)	\$3,000
9/30/00	30 day avg iron MER	5.0 lb/d	8.3 lb/d	1	1.66	Serious	(h)(1)	\$3,000
9/30/00	30 day avg phosphorus MER	16.7 lb/d	17.1 lb/d	1	1.02	Chronic	(i)(1)	\$3,000
9/30/00	aluminum max at any time	1.0 mg/L	2.4 mg/L	1	2.40	Serious	(h)(1)	\$3,000
12/5/00	TOC daily max	15 mg/L	18 mg/L	1	1.20	Chronic	(i)(1)	\$3,000
12/31/00	30 day avg TOC conc	8 mg/L	10 mg/L	1	1.25	Chronic	(i)(1)	\$3,000
12/31/00	30 day avg TOC MER	134 lb/day	145 lb/day	1	1.09	Chronic	(i)(1)	\$3,000
12/31/00	TOC daily max MER	250 lb/day	263 lb/d	1	1.05	Chronic	(i)(1)	\$3,000
1/14/01	phosphorus daily max	2.0 mg/L	4.5 mg/L	1	2.25	Serious	(h)(1)	\$3,000
1/23/01	TDS daily max	825 mg/L	860 mg/L	1	1.04	Chronic	(i)(1)	\$3,000
1/23/01	TDS MER daily max	13769 lb/d	14357 lb/d	1	1.04	Chronic	(i)(1)	\$3,000
1/31/01	30 day avg TOC	8 mg/L	9 mg/L	1	1.13	Chronic	(i)(1)	\$3,000
1/31/01	30 day avg total phosphorus	1.0 mg/L	1.1 mg/L	1	1.10	Chronic	(i)(1)	\$3,000
3/31/01	TDS monthly avg	750 mg/L	754 mg/L	1	1.01	Chronic	(i)(1)	\$3,000
3/31/01	TOC monthly avg	8 mg/L	9.8 mg/L	1	1.23	Chronic	(i)(1)	\$3,000
4/24/01	daily max TOC MER	250 lb/day	279 lb/D	1	1.12	Chronic	(i)(1)	\$3,000

4/24/01	daily max TOC	15 mg/L	17 mg/L	1	1.13	Chronic	(i)(1)	\$3,000
4/30/01	30-day TOC	8.0 mg/L	9.9 mg/L	1	1.24	Chronic	(i)(1)	\$3,000
4/30/01	30-day TOC MER	134 lb/day	162 lb/d	1	1.21	Chronic	(i)(1)	\$3,000
5/15/01	total nitrogen daily max	8.0 mg/L	8.2 mg/L	1	1.03	Chronic	(i)(1)	\$3,000
5/15/01	unionized ammonia daily max	0.025 mg/L	0.053 mg/L	1	2.12	Serious	(h)(1)	\$3,000
5/15/01	unionized ammonia daily max MER	0.417 lb/d	0.809 lb/d	1	1.94	Serious	(h)(1)	\$3,000

Total Penalty \$75,000
